

REMARKS

Claims 1-38 are pending in the Application.

Claims 1-38 stand rejected.

Claims 1-16, 32, and 38 have been amended. No new matter has been added.

These amendments are made for clarification purposes only. Support for these amendments can be found, at least, within paragraphs [0019] and [0020] of the originally-filed Application.

Rejection of Claims under 35 U.S.C. §112

Claims 1-38 are rejected under 35 U.S.C. 112, second paragraph as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Office Action purports that the relationship between the “corporate management hierarchy” element and the “providing”, “receiving”, “retrieving”, and “generating” limitations is unclear. Applicants have amended independent Claims 1, 16, 32, and 38, and respectfully submit that this rejection has been overcome.

The Office Action purports that the limitation reciting “the retrieved forecast snapshots of each participant” lacks sufficient antecedent basis. Applicants have amended this limitation in independent Claims 1, 16, 32, and 38, and respectfully submit that this rejection has been overcome.

Rejection of Claims under 35 U.S.C. §101

Claims 1-15 are rejected under 35 U.S.C. § 101. In accordance with the Examiner’s suggestion, Claims 1-15 have been amended to clearly tie the method steps with another statutory class – a computer system. Thus, Applicants respectfully submit that this rejection has been overcome.

Rejection of Claims under 35 U.S.C. §103

Claims 1-38 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Amerasinghe et al., U.S. Patent Application Publication No. 2007/0208608 (“Amerasinghe”), in view of the knowledge of an ordinary artisan. Applicants respectfully traverse this rejection.

Applicants respectfully request the removal of Amerasinghe as a reference under 35 U.S.C. § 103(c). As 35 U.S.C. § 103(c) states, “Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” Further, the present Application was filed after November 29, 1999 and thus 35 U.S.C. § 103(c) applies.

Amerasinghe was published on September 6, 2007, which is after the December 9, 2003 filing date of the present Application. Amerasinghe does not qualify as a 35 U.S.C. § 102(a) reference because Amerasinghe was not known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the present Application. Amerasinghe does not qualify as a 35 U.S.C. § 102(b) reference because Amerasinghe was not patented or described in a printed publication in this country or a foreign country or was in public use or on sale in this country, more than one year prior to December 9, 2003 – to the contrary, Amerasinghe was published nearly four years after the present Application.

Thus, Amerasinghe only qualifies as a prior art reference under 35 U.S.C. § 102(e). In fact, the Examiner has previously and correctly identified Amerasinghe as a 35 U.S.C. § 102(e) reference. *See*, Office Action mailed 1/6/2009, p. 3.

Amerasinghe and the claimed subject matter in the present Application were, at the time of the invention in the application for patent was made, owned by the same entity or subject to assignment to the same entity, namely Siebel Systems, Inc., of San Mateo, California. The assignment for Amerasinghe is recorded at reel 012372 and frame 0815. The assignment for the present Application is recorded at reel 015681 and frame 0801.

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Finally, Amerasinghe identifies a different inventive entity than the inventive entity identified in the present Application. Amerasinghe identifies the following inventors: Prasanna Amerasinghe, Alexander Goldstein, Brian Groves, Michael Z. Li, Yee Wah Lee, and Frank Yuh. The present Application identifies the following inventors: Stratton C. Lloyd and Alexander Goldstein. As per the MPEP, “where there are joint inventors, only one inventor needs to be different for the inventive entities to be different and a rejection under 35 U.S.C. 102(e) is applicable even if there are some inventors in common between the application and the reference.” MPEP 706.02(a).II.B. Because at least one of the inventors in Amerasinghe and the present Application are different, Amerasinghe is a different inventive entity than the inventive entity in the present Application.

Therefore, because all elements of 35 U.S.C. § 103(c) are satisfied, Amerasinghe cannot be properly used to preclude patentability of the presently claimed invention.

There is no other reference cited as teaching or suggesting the elements of Claims 1-38. Thus, Applicants respectfully submit that the elements of Claims 1-38 are not taught or suggested by simply the knowledge of an ordinary artisan at the time of the invention because there is no root technology presented in the Office Action from which an ordinary artisan can extrapolate the claimed invention.

Applicants therefore respectfully request the Examiner’s reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the Application and the claims are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

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